AF/2154

TRANSMITTAL OF APPEAL BRIEF (Large Entity)

Docket No. ITL.0289US

In Re Application Of: **Randy P. Stanley**

Serial No.	Filing Date	Examiner	Group Art Unit
09/450,261	November 29, 1999	Kenny S. Lin	2154

Invention: **Automatically Enabling Information to be Displayed After a Processor-Based System is Turned Off**

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on **April 8, 2003**

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Signature

Dated: **May 30, 2003**

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Randy P. Stanley	§	Group Art Unit:	2154
Serial No.:	09/450,261	§	Examiner:	Kenny S. Lin
Filed:	November 29, 1999	§		
For:	Automatically Enabling Information To Be Displayed After a Processor-Based System Is Turned Off	§	Atty. Dkt. No.:	ITL.0289US (P7820)

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF

Sir:

Applicant respectfully appeals from the final rejection mailed January 22, 2003.

I. REAL PARTY IN INTEREST

The real party in interest is the assignee Intel Corporation.

II. RELATED APPEALS AND INTERFERENCES

None.

III. STATUS OF THE CLAIMS

Claims 1-20 have been finally rejected and are the subject of this appeal.

Date of Deposit: 5-30-03
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IV. STATUS OF AMENDMENTS

All amendments are believed to have been entered.

V. SUMMARY OF THE INVENTION

Referring to Figure 1, a processor-based system 10 may be coupled to a standby system 12. In one embodiment of the present invention, the processor-based system 10 and the standby system 12 may be contained within the same housing. Thus, the user may not appreciate that two distinct processor-based systems are provided. Specification at page 3, lines 13-18.

The processor-based system 10 may be any conventional computer system, including a laptop or portable computer system operable from a battery. The processor-based system 10 may include a real time clock (RTC) 14 and an information manager application 16 such as a personal information manager (PIM) application. A driver 20 may drive a speaker 22 in accordance with one embodiment of the present invention. An application program 24 may act as an interface between the application 16 and the standby system 12. Specification at page 3, line 19 through page 4 line 2.

While the present invention is described in connection with an embodiment in which a personal information management (PIM) application utilized, the present application is applicable to systems which involve time sensitive data which may come in a variety of different types of information including time information and time sensitive alerts as additional examples. Thus, it is not essential that the information be associated with a PIM application in particular. Specification at page 4, lines 3-11.

The standby system 12 may be coupled to the processor-based system 10 by an appropriate link. In embodiments in which separate housings are utilized for the systems 10 and 12, a tethered connection may be provided between the systems 10 and 12. In other embodiments, the systems 10 and 12 may be coupled by a airwave communication link, such as a infrared link, a radio link or a cellular telephone link. Specification at page 4, lines 12-19.

In some embodiments of the present invention, the standby system 12 may use the same power supply as the system 12. In the case where the processor-based system 10 is run from a battery, the standby system 12 may also be operated from the same battery. In addition, in some embodiments, the standby system 12 may be coupled to the real time clock 14 of the processor-based system 10 so that timing is synchronized between the two systems. Specification at page 4, line 20 through page 5, line 2.

The processor-based system 10 may store an application 16, such as a scheduler, a calendar or the like which may receive time sensitive data such as the time for appointments, telephone calls or the like. The application 16 may be user programmed to give a visible or audible alert at a preprogrammed time. In order to ensure that this information is always available for notification to the user, the application 16 information may be transferred to the standby system 12. Specification at page 5, lines 3-11.

This transfer of application 16 information may be implemented in a variety of ways. It may be implemented automatically in response to an indication that the processor-based system 10 is about to be powered off. Alternatively, every time a given type of information is stored on the processor-based system 10 in association with the application 16, that information may be

automatically transferred to the standby system 12. For example, whenever the user sets an alert to audibly or visibly notify the user of a given event, information about that alert may automatically be transferred to the standby system 12. As still another embodiment, the information associated with the application 16 may automatically be transferred at periodic intervals to the standby system 12. Specification at page 5, lines 12-25.

In each case, the expectation is that by automatically transferring the time sensitive data from the processor-based system 10 to the system 12, upon power off of the system 10, the data may still be available on the system 12. The system 12 may include a display 18 in one embodiment of the present invention that may be operated even when the processor-based system 10 is in its power off state. In addition, the standby system 12 may operate the driver 20 and speaker 22 to provide an audible indication, at a predetermined time, in keeping with the information provided by the application 16. In other embodiments of the present invention, the standby system 12 may include its own speaker 22. Specification at page 6, lines 1-13.

Through the standby system 12 that is always powered on, the user may be notified of an important activity or event that is stored in his or her application 16. Alternatively, the system 12 may be automatically powered on whenever the processor-based system 10 is about to be powered off. Thus, one of the two systems 10 or 12 is always in a powered on state ready to provide time sensitive data, in one embodiment of the invention. Specification at page 6, lines 14-21.

Referring to Figure 2, in accordance with one embodiment of the present invention, software 24 may be stored on the processor-based system 10, for example a hard disk drive. The

flow begins by determining when a power off state is about to occur as indicated in diamond 26. In such case, any active application 16 task may be transferred to the standby system 12 as indicated in block 28. Thus, events of a particular type may automatically be transferred from the system 10 to the system 12 prior to shut down of the system 10. The software 24 may extract time sensitive alerts from PIM applications in one embodiment of the invention. Specification at page 6, line 22 through page 7, line 7.

For example, pre-programmed alerts which are designed to notify the user of a given event may be transferred to the standby system 12 prior to shut off. After transferring the information, the processor-based system 10 may proceed to a power off state, as indicated in block 30. Specification at page 7, lines 8-12.

In other embodiments of the present invention, as described previously, the transfer of time sensitive data to the standby system 12 may be done automatically whenever events of a certain type are preprogrammed. Alternatively, the data may be periodically automatically transferred to the standby system 12. Specification at page 7, lines 13-18.

In some embodiments of the present invention, the power consumption of the standby system 12 may be considerably less than that encountered with the overall system 10. Thus, power may be reasonably conserved. Specification at page 7, lines 19-22.

Turning now to Figure 3, software 32 may be stored on the standby system 12 in accordance with one embodiment of the present invention. The software 32 may monitor for PIM application 16 information, as indicated in diamond 34. When PIM information or other time sensitive data is transferred, the standby system 12 may be activated automatically. The

system 12 may compare the time of the time sensitive data, such as a PIM alert, contained in a queue containing one or more time sensitive events, to the information about the current time from the real time clock 14, as indicated in block 36. When there is a match, as indicated in diamond 38, an audio or visible display may be activated as indicated in block 40. In one such case, an image of the calendar, produced by the PIM application 16, may be displayed on a display 18 or a sound may be produced, for example from the speaker 22, to alert the user (block 42). After a time out is reached, as indicated in diamond 44, the flow may be terminated. Specification at page 7, line 23 through page 8, line 14.

Turning next to Figure 4, in accordance with one embodiment of the present invention, the system 10 may be a laptop or portable computer which includes within its housing the system 10 and the standby system 12. The laptop may include a display portion 46 that folds onto a keyboard portion 48. The display 18 may be provided on the exterior of the housing of the system 10, for example on the portion 46. Thus, even though the system 10 is in its closed configuration and is powered off, the user may be notified, for example through the display 18 on the exterior of the housing, of alerts and other time sensitive events. Specification at page 8, lines 15-26.

In accordance with one embodiment of the present invention, the standby system 12 may be implemented by a microcontroller 50 which is coupled to the display 18 and to a storage 52, as shown in Fig. 5. For example, in one embodiment of the present invention, the storage 52 may store the software 32. The microcontroller 50 may also be coupled to an interface 53 which in turn may be coupled to the processor-based system 10. In this way, the systems 10 and 12

may exchange information such as the real time clock information, PIM information and signals to the processor-based system 10 and speaker 22. Specification at page 9, lines 1-11.

In one embodiment of the present invention the system 12 may be a cellular telephone linked to the user's personal computer. On the opposite end of the spectrum, the system 12 may be a server. For example, the system 12 may be an Internet server. When the user is about to turn off his or her computer system 10, for example before going on a trip, the user's time sensitive data may automatically be transferred to a Web site operated by the server. The user can then access the time sensitive data, once stored on the Web site, from a computer different from the one originally used to record the PIM information. Specification at page 9, lines 12-22.

Referring to Figure 6, the display 18, in accordance with one embodiment of the present invention, may display a graphical user interface 56 such as a calendar. Thus, a plurality of times may be displayed, with a particular meeting time 58 highlighted. In one embodiment user definable information may be scrolled across the display 18. Thus, by exporting the time sensitive data from the application 16, the user is provided with a portion of his or her overall calendar and given a visual warning of the timed event. Specification at page 9, line 23 through page 10, line 6.

Turning finally to Figure 7, the processor-based system 10 may include a processor 60 coupled to an interface 62 such as a bridge. The interface 62 may be coupled to a system memory 64 and a display controller 66. A display 68 may be coupled to the display controller 66. An interface 70 may be coupled to the interface 62 as well as to a system bus 72. The real time clock may be part of the interface 70. The system bus 72 may be coupled to a storage

medium 74, storing the software 76 for example that implements the PIM functions and the software 24. Specification at page 10, lines 7-16.

In addition, the interface 70 may be coupled to a secondary bus 78 coupled to the interface 80. The interface 80 is coupled to the standby system 12 through its interface 53. Specification at page 10, lines 17-20.

The secondary bus 78 may also couple a BIOS storage 82. The software 24 may be part of the BIOS software stored on the BIOS storage 82. Specification at page 10, lines 21-23.

The storage 74 may define a time sensitive data queue, controlled for example by the application 24, for storing a plurality of time sensitive alerts in accordance with one embodiment to the present invention. The queue may be in the form of a content addressable memory (CAM) with each location associated with a tag indicative of a particular time for action. The queue may be searched to find alerts having a tag indicative of a time that matches the current time, for example obtained from the real time clock. Specification at page 10, line 24 through page 11, line 6.

The application 24 may be responsible for gathering time sensitive data from the application 16, prioritizing that data, ordering the data in the queue and running the queue. The application 24 may also notify the user when the last alert in the queue has been completed. Specification at page 11, lines 7-11.

In some cases, the queue depth may be exceeded, for example because the number of timed entries exceeds the capacity of the queue. In such cases, a notification may be provided to the user that the queue depth has been exceeded and that additional entries may not be accepted.

This may be accomplished for example, by a suitable graphical user interface. Specification at page 11, lines 12-18.

In some embodiments of the present invention, it may advantageous to provide the ability to mute the audible notification so that the user is not disturbed when the user is in a meeting or the like. In such cases, the user may enter a command through the processor-based system 10 which mutes any audible alerts until the mute is released. In addition, it may be desirable to provide a interrupt which allows the user to enter a code into the processor-based system 10 to turn off the on-going display, on the display 18, of an alert or upcoming timed event. In addition it may be desirable in some cases to turn off the display 18 at any time when the processor-based system 10 is operational to avoid duplicative indications of time sensitive data. Specification at page 11, line 19 through page 12, line 6.

While the program 24 is illustrated as being an application program, it may also be implemented as part of an operating system. The program 24 may also be part of a personal information manager application as well. Specification at page 12, lines 7-10.

VI. ISSUES

A. Is claim 1 rendered obvious by the *Tsukakoshi* reference?

B. Is claim 2 rendered obvious by the *Tsukakoshi* reference?

C. Is claim 15 rendered obvious by the *Tsukakoshi* reference?

D. Is claim 16 rendered obvious by the *Tsukakoshi* reference?

VII. GROUPING OF THE CLAIMS

For the purposes of this Appeal, claims 3-8, 10-14 may be grouped with claim 1 and claims 17-20 may be grouped with claim 15. Claim 9 may be grouped with claim 2. The patentability of each group and claim 16 is discussed below.

VIII. ARGUMENT

A. Is claim 1 rendered obvious by the *Tsukakoshi* reference?

Claim 1 calls for a method that includes automatic transfer of time sensitive data to a storage coupled to a second processor-based system from another storage coupled to a first processor-based system and automatic display of the time sensitive data on a display coupled to the second processor-based system at a predetermined time.

However, the *Tsukakoshi* reference does not teach or even remotely suggest the above-indicated feature of automatically enabling the display of information that is automatically transferred. In other words, without a teaching or a suggestion of automatic transfer and automatic display, *Tsukakoshi* fails to ensure that the time sensitive data is always available for notification to the user because in the *Tsukakoshi* system at any given time at least one of the two processor-based systems may not be in a powered "ON" state. However, the powered state of these two processor-based systems is inherently responsible either to automatically transfer the time sensitive data and to automatically display the transferred time sensitive data at a predetermined time. Therefore, claim 1 cannot be rendered obvious by the *Tsukakoshi* reference.

1. Having one storage coupled to a processor-based system where another storage and a display must be coupled to the other processor-based system to automatically display, the time sensitive data that is automatically transferred, on the display at a predetermined time.

The method of claim 1 involves a source storage coupled to a first processor-based system and a destination storage coupled to a second processor-based system to which a display is also coupled. For automatic transfer and automatic display of time sensitive data, the time sensitive data may be automatically transferred from the source storage coupled to the first processor-based system to the destination storage that may receive the automatically transferred time sensitive data for automatic display at a predetermined time on the display coupled to the second processor-based system.

In contrast, since the transferred data must be first accessed at the receiving end processing unit, the *Tsukakoshi* reference simply teaches data transferring and then data displaying upon a physical act that subsequently enables the display of the transferred data. To access the transferred data, a physical separation is performed, separating the sending and receiving end processing units. Essentially, the receiving end processing unit does not become active until it is physically removed from the sending end processing unit. Once activated after the physical separation, then only the receiving end processing unit can access the transferred or downloaded data. Rather than requiring a physical separation and access to the transferred data in order for this data to be subsequently displayed based on the teachings of *Tsukakoshi*, claim 1 calls for automatically displaying the information that is automatically transferred.

Specifically, the data transmission method of *Tsukakoshi* for transferring data from a first to a second processing unit involves physical interventions (insertion and removal), connecting

the two systems for transfer and disconnecting for display while transfer of data does not always occur. Therefore, automatic display of the automatically transferred data, which may be time sensitive, cannot occur in the *Tsukakoshi* system by itself at a predetermined time. See column 6, lines 5-10.

Based upon the reasons set forth above, Appellant respectfully disagrees with the assertion by the Examiner that nowhere in *Tsukakoshi* reference a physical separation or access to the transferred data is required in order for this data to be automatically displayed. Instead, in the *Tsukakoshi* reference, a physical intervention is indeed needed by a user to remove the PC card 100 from the host machine 200. The second processing unit can only access the downloaded personal information for display on the LCD panel 16 after it is disconnected from the first processing unit. Accordingly, once activated after the separation, then only the CPU 11 can access the downloaded personal information. Therefore, the *Tsukakoshi* reference clearly teaches or suggests physical separation and accessing of the transferred data (the downloaded personal information) in order for this data to be later displayed.

In this manner, absent a teaching or a specific suggestion for automatic transfer of the time sensitive data for automatic display, the *Tsukakoshi* reference fail to establish a *prima facie* case of obviousness. Therefore, the § 103 rejection of claim 1 in which a physical separation and access to the transferred data is required cannot be properly based on the teachings and suggestions in the *Tsukakoshi* reference.

2. For transfer of data to occur, criteria based on the second memory device of the second processing unit must not be first met.

Rather than depending upon a first system that sends the data, in the *Tsukakoshi* reference it is a second system that receives the transferred data is the determining factor for data transmission. Under these circumstances, the time sensitive data may be lost before transfer to second processor-based system occurs. *Tsukakoshi* teaches use of certain criteria for the data transfer to occur.

In particular, the data transmission depends upon the capacity of the second memory device of the second processing unit, which is to receive the transferred data. The capacity of the second memory device dictates whether or not to transfer the data, such as the temporary file. Accordingly, the automatic transfer for automatic display of the time sensitive data, as claimed in claim 1, is different from the physical intervention based data transfer and subsequent display in which criteria has to be met for the transfer to occur depending upon the difference between the first and second memory device capacities of the two systems, as taught and disclosed by the *Tsukakoshi* method.

As to the transfer criteria, *Tsukakoshi* in order to transmit data after the data becomes available for transmission, i.e., before initiating the actual transfer of data, takes into consideration the difference between memory capacities of the two processing units. If this difference is such that transmission cannot occur, the transfer of the data is denied regardless of the nature of the data. Therefore, the *Tsukakoshi* reference does not disclose automatic display of the time sensitive data which is automatically transferred from a source storage to a destination storage between two processor-based systems each coupled to the respective storage,

and one of the two processor-based systems also coupled to a display, as claimed in claim 1. Accordingly, *Tsukakoshi*, as intended by the Appellant in claim 1, cannot teach automatic transfer of the time sensitive data for automatic display.

With regard to the physical intervention based data transfer and subsequent display, e.g., referring to Figure 1 in the *Tsukakoshi* reference, for downloading data from the host machine 200 to the PC card 100, the PC card 100 has to be inserted, for example by a user, into the slot of the host machine 200. *See, col. 6, lines 1-5.* In addition, in the *Tsukakoshi* reference, for displaying the conditionally transferred data, such as downloaded personal information, another user intervention is required to remove the PC card 100 from the host machine 200. Thus, *Tsukakoshi* fails to teach or disclose data transmission by automatically transmitting time sensitive data for automatic display thereof at a predetermined time, as claimed in claim 1.

In this manner, the Appellant submits that independent claim 1, the claims grouped therewith cannot be rendered obvious and are patentably distinguishable over the cited references including the *Deo*, *Philipson*, and *Hallowell* references. As such, *Deo* solely teaches transfer at a time-triggered data object without user intervention to a personal digital assistant from different sources. Instead, *Philipson* discloses a bi-directional link for information exchange between an information manager and a communication system that does not require user intervention. Likewise, *Hallowell* calls for displaying a warning message to a user when a battery condition is triggered in a computer system, saving the hibernation file before shutting down the computer system. None of these cited references, considered separately or together, teach or suggest even remotely automatic transfer of time sensitive data from a source storage coupled to a first

processor-based system to a destination storage coupled to a second processor-based system to which a display is coupled for automatically displaying the time sensitive data at a predetermined time.

The Examiner states that these references were cited in the previous office actions and support each instance where official notice was taken. Although it is appropriate for an Examiner to take official notice of facts not in the record or to rely on "common knowledge" in making a rejection, however, such rejections should be judicially applied. See, M.P.E.P. § 2144.03. This is especially so, as the Examiner cannot point to any portions of the *Deo*, *Philipson* and *Hallowell* to support an obviousness rejection.

In fact, the *Deo* reference merely discloses time-triggered portable data objects that are formulated at a host computer and transmitted to a personal digital assistant. On the other hand, the *Philipson* reference discloses a personal information management system that uses a bi-directional link between two transceivers, providing automatic information exchange between a communication system and an information manager within the range of the bi-directional link. The *Hallowell* reference discloses a dynamic hibernation apparatus that monitors and ensures that battery packs in a computer system have sufficient energy capacity to sustain a proper saving of the hibernation file into the hard disk drive.

The Appellant respectfully submits that none of these cited references relied upon, either in combination or separately, to determine patentability of claim 1 based on "common knowledge" or "official notice," as a whole fail to render the claim 1 obvious. While recognizing that in some cases it is appropriate for an Examiner to take official notice of facts not in the

record or to rely on "common knowledge" in making a rejection, however, to rely solely on common knowledge in the art without evidentiary support in the record as the principal evidence upon which a rejection was based is inappropriate. See, M.P.E.P. 2144.03(e). Therefore, the Appellant respectfully submits that the Examiner's reliance on common knowledge in the art or well known prior art is unsupported. Based on at least the reasons set forth above, the § 103 rejection of claim 1 is improper and the Appellant respectfully requests reversal of the Examiner's rejection thereof.

B. Is claim 2 rendered obvious by the *Tsukakoshi* reference?

With respect to claim 2, which stands rejected under §103(a) over *Tsukakoshi*, includes that the time sensitive data is automatically transferred from the storage coupled to the first processor-based system when it is determined that the first processor-based system is being powered off. Instead, in the patent to *Tsukakoshi*, the data transmission is based on the characteristics of the system to which the data is transferred. Nothing in the claim 2 language indicates that the data transmission is based on the characteristics of the second processor-based system. Characteristics of the second processor-based system to which the data is transferred do not appear anywhere in the text of claim 2. As claimed in claim 2, powering off of the first processor-based system causes the automatic transfer of the time sensitive data from its associated storage to the second processor-based system's storage. Thus, reversal of the § 103 rejection of claim 2 is respectfully requested, as teachings of *Tsukakoshi* fail to render obvious the limitations claimed therein.

C. Is claim 15 rendered obvious by the *Tsukakoshi* reference?

Claim 15 calls for a processor-based system that may include a processor; a first storage storing a personal information manager application; and a second storage storing software including instructions that cause the processor to automatically transfer time sensitive data to another processor-based device to automatically display the time sensitive data at a predetermined time. *Tsukakoshi* fails to teach or suggest all the claimed limitations in claim 15, let alone in the manner contemplated by the Examiner. For at least the same reasons alone as set forth above in the context of claim 1, however, the system of rejected claim 15 is patentable over the cited references. Accordingly, the Appellant respectfully requests that the improper § 103 rejection of claim 15 should be reversed.

D. Is claim 16 rendered obvious by the *Tsukakoshi* reference?

Based on the reasons indicated alone in the context of claim 15, a *prima facie* case of obviousness is absent. In particular, the system of claim 16 includes a link on the system to the device. No teaching or a suggestion is indicated as to such a link in the *Tsukakoshi* reference, considered either alone or in combination with the cited references. Therefore, reversal of the § 103 rejection of claim 16 is respectfully requested.

IX. CONCLUSION

Since the rejections of the claims are improper, they should be reversed.

Respectfully submitted,

Date: 05/30/03

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APPENDIX OF CLAIMS

1. A method comprising:

automatically transferring time sensitive data from a storage coupled to a first processor-based system to a storage coupled to a second processor-based system; and

automatically displaying said time sensitive data on a display coupled to said second processor-based system at a predetermined time.

2. The method of claim 1 wherein said time sensitive data is automatically transferred from the storage coupled to the first processor-based system when it is determined that the first processor-based system is being powered off.

3. The method of claim 1 including automatically transferring personal information manager information.

4. The method of claim 3 wherein automatically transferring personal information manager information includes automatically transferring timed alerts.

5. The method of claim 1 including automatically providing an audible alert at a predetermined time.

6. The method of claim 1 including providing real time clock information from said first processor-based system to said second processor-based system.

7. The method of claim 1 including automatically displaying a portion of a calendar graphical user interface.

8. An article comprising a medium for storing instructions that cause a processor-based system to:

automatically transfer time sensitive data from a storage coupled to a first processor-based system to a storage coupled to a second processor-based system; and

automatically display said time sensitive data on a display coupled to said second processor-based system at predetermined time.

9. The article of claim 8 further storing instructions that cause a processor-based system to automatically transfer data from the storage coupled to the first processor-based system when it is determined that the first processor-based system is being powered off.

10. The article of claim 8 further storing instructions that cause a processor-based system to automatically transfer personal information manager information.

11. The article of claim 10 further storing instructions that cause a processor-based system to automatically transfer timed alerts.

12. The article of claim 8 further storing instructions that cause a processor-based system to automatically provide an audible alert at a predetermined time.

13. The article of claim 8 further storing instructions that cause a processor-based system to provide real time clock information from said first processor-based system to said second processor-based system.

14. The article of claim 8 further storing instructions that cause a processor-based system to automatically display a portion of the calendar graphical user interface.

15. A processor-based system comprising:

a processor;

a first storage storing a personal information manager application; and

a second storage storing software including instructions that cause the processor to automatically transfer time sensitive data to another processor-based device to automatically display said time sensitive data at a predetermined time.

16. The system of claim 15 including a link on said system to said device.

17. The system of claim 16 wherein said system is a portable computer that includes said device.

18. The system of claim 17 including a display for said device and a housing for said computer, said display being located on the outside of said housing.

19. The system of claim 17 wherein said device receives clock information from said system.

20. The system of claim 15 wherein said processor automatically transfers said data to said device when the processor detects that the system will be turned off.